

Appln. No. 10/735,313  
Amdt. dated October 28, 2005  
Reply to Office Action of June 15, 2005

**REMARKS/ARGUMENTS**

This amendment is submitted in an earnest effort to advance the case to issue without delay.

The drawings were objected to because the feature "13" has not been identified in the figures.

Applicant has amended the specification at page 4 replacing "13" with "12." It should be clear to the Examiner that "13" is a typographical error which now has been corrected. The drawings are correct as they originally were submitted.

A series of other typographical errors have been found in the specification. Appropriate corrections are herewith submitted.

Claims 8 – 11 were rejected under 35 U.S.C. 112, second paragraph. The limitation "said valve member" in line 1 and 2 of Claims 8 – 10 were said to lack antecedent basis. A similar objection was raised with respect to Claim 11 reciting the limitation "said flange members" in line 2. Applicant has amended the claims to remove these informalities.

Claim 1 has been amended to more carefully define the invention. The valve means are now recited as having a first position normally closed for preventing a fluid in the second chamber from entering the first chamber. A second position is also defined and requires human activation for opening the valve means to allow flow of fluid from the second to the first chamber. Support may be found in the specification at page 3 (lines 4 – 6), page 5 (lines 19 – 22), and page 6 (lines 8 – 10). Further, Claim 1 recites a

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valve means as comprising a projecting portion disposed outwardly through a single aperture in a wall of the attachment means. Support is found in the drawing, Figures 2 – 4 and 7 – 8. Claim 10 defines the valve means as further comprising a closed flexible slit openable under pressure applied against the projecting portion. Support can be found at page 5, third full paragraph. New Claim 12 specifies a cavity area into which bulging areas of the projecting portion are accommodated when pressure is applied to the projecting portion. Support is found in the specification at page 5, fourth full paragraph.

Claims 1, 2, 4, 6, 7, 9 and 10 were rejected under 35 U.S.C. 102(b) as anticipated by Baron et al. (U.S. Patent 5,433,328). Applicant traverses this rejection.

Baron et al, unlike the presently claimed invention, does not disclose a radially oriented projecting portion. Element 32 cited by the Examiner is axially oriented rather than being a radially disposed element. The Examiner has also cited sealing lip 66 of the reference as equivalent to the claimed projection portion. Yet unlike the claims, lip 66 is not disposed outwardly through an aperture in a wall of the attachment means. For all these reasons, Baron et al. does not anticipate the claimed invention.

Claims 1, 2, 4 and 6 – 10 were rejected under 35 U.S.C. 102(b) as anticipated by Wagner (U.S. Patent 4,856,995). Applicant traverses this rejection.

Wagner was cited for disclosing all of the claimed elements, and in particular Figure 9. Therein is described a bore 66B having a single aperture 54B through which

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projects a slidable cylindrical plug 68B. Unlike the present claims, the valve means (plug 68B) is normally open allowing milk or other sugar carrying fluids to exit reservoir 28B.

For this reason, Wagner would not anticipate the claims.

Claims 1, 2, 4 and 8 were rejected under 35 U.S.C. 103(a) as unpatentable over Newton (U.S. Patent 2,745,568) in view of Wagner (U.S. Patent 4,856,995). Applicant traverses this rejection.

Breast milk and infant formula have significant economic value. It would be desirable to be able to store nursing bottles with partially used milk or formula. However, the storage of such partially used fluids is inadvisable because bacteria present in an infant's saliva may ooze through the nipple into the milk remaining in the bottle. This increases the rate of spoilage in the remaining milk. The spoilage problem has been resolved through the present invention. Herein, a dual chamber nursing bottle is provided. The small chamber is adjacent the nursing nipple. A valve means allows communication between the dual chambers. This valve means has a first position normally closed for preventing milk or formula in the second chamber from entering the first chamber. There is also a second position of the valve means requiring human activation for opening to allow flow of the milk or formula from the second to the first chamber. The valve means includes a projecting portion radially oriented relative to the flow of the milk or formula and disposed outwardly through a single aperture in a wall of an attachment means.

Newton seeks to reduce the amount of sucking which must be performed by an infant in consuming the contents of a nursing bottle. Additionally, Newton seeks to drain liquid from the nipple compartment when the bottle is in a non-feeding position; this lessens the possibility of reaction between the liquid and the nipple, and induces uniform cooling of all of the liquid in the bottle. See the reference at Col. 1, lines 56-64.

Based on the aforementioned descriptions of the Newton objectives and those of the present invention, it must be evident that different mechanisms are required to address the quite different objectives.

The Examiner focused attention on Figures 13 – 15 of the reference. These figures illustrate a projecting portion (bar 65) which blocks opening 61 leaving return valve opening 66 in communication register allowing milk/formula to flow out of the reservoir A and into the nipple chamber C. Thus, Newton describes a valve means with a first position that is open rather than being normally closed.

Further, the Newton bar 65 traverses through two apertures in the walls of the attachment means (cap 60-63). Two apertures are found 180° distant from one another on opposite sides of the nursing bottle. Bar 65 fits through both apertures. By contrast, the present invention provides for a single aperture in a wall of the attachment means.

Wagner was cited for illustrating a valve arrangement secured as a separate member to which the nipple is attached so that it might be used with other nursing containers.

A combination of Newton in view of Wagner would not render the instant invention obvious. Neither of the references has the same objective as that of the presently claimed invention. These references do not provide mechanisms to eliminate the spoilage of remaining milk in a partially drawn down nursing bottle. Pursuant to a different problem, there also has been a different mechanical solution. Most importantly, the presently claimed invention requires a first position of the valve means as normally closed. Human activation is required for opening of the valve means to allow flow of fluid when the valve means is in a second position. Both Newton and Wagner have a first position that is normally open. The valve means in these references can, at some further time, be closed through human activation. Closure in Newton is apparently done by alternating flow from the milk or other sugar carrying liquid reservoir to another reservoir that delivers a sugar-free liquid, possibly fluoridated water. See Col. 6, lines 1-5. Newton operates bar 65 to block opening 61 so that the return valve 37 can continue with food flow for feeding the infant. In the non-feeding position, the return valve means is manually opened by moving bar 65 axially so that openings 61 and 66 are in register. See Col. 9, lines 29-35.

Structurally, Newton is also distinguished from the present claims by having more than a single aperture through which the projecting portion (bar 65) exits outwardly. Fig. 9 of Wagner similarly illustrates a pair of apertures through which cylindrical plug 68B

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projects. Based on all the foregoing distinctions, it is clear that those skilled in the art in considering Newton as modified by Wagner would not arrive at the presently claimed invention.

Claims 3, 5 and 11 were rejected under 35 U.S.C. 103(a) as unpatentable over Newton in view of Wagner, and further in view of Okerstrum (U.S. Patent 4,121,731). Applicant traverses this rejection.

Deficiencies with respect to different problems and structures from the claimed invention have been presented in the above discussion concerning Newton and Wagner. Okerstrum does not remedy the deficiencies of these primary references.

Okerstrum was cited for disclosing a valve with flexible members and resilient flange members. Elements 22 and 26 were cited. These structures were identified as preventing spillage in children's drinking vessels. Applicant's claims require a single aperture in a wall of the attachment means. By contrast, the drinking vessel of Okerstrum requires dual apertures, one on each side of the vessel to accommodate handles 14 and 15. Operation of a drinking vessel as shown in Okerstrum requires a pair of hands to manipulate opening of valve 20. This contrasts with the present invention requiring a single hand manipulation of the valve means via the projecting portion to allow fluid flow. See the present application at page 2, second paragraph. Based on these considerations, a combination of Newton in view of Wagner and Okerstrum would not render the instant invention obvious.

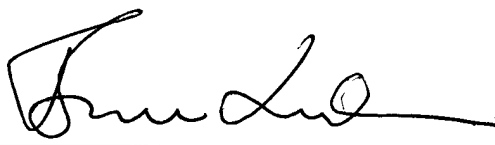
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In view of the foregoing amendment and comments, Applicant respectfully requests the Examiner to reconsider the rejection and now allow the claims. A credit card authorization form in the amount of \$225.00 to cover the two month extension fee is enclosed.

Dated: October 28, 2005

Respectfully submitted,

MALINA & ASSOCIATES, P.C.

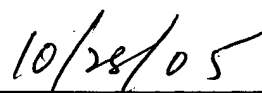
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I hereby certify that this correspondence is being deposited on the date shown below with the U.S. Postal Service, via first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, Mail Stop Amendment.

  
BERNARD MALINA

  
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